

**PLAINTIFF'S APPENDIX "A"**

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July 17, 2002

Reference: Case Numbers 00-07-35902, 00-10-38046, 00-12-39515, 00-12-39676

Judge Julie E. Frantz  
Multnomah County Courthouse  
1021 SW Fourth Avenue  
Portland, Oregon 97204

Dear Judge Frantz,

SUBJECT: NO RESPONSE TO MOTION FILINGS

I am writing you to check on the status of three Motions I have sent to your court over the past seven months. I have not yet received any reply.

On February 5 2002, I mailed a Motion to Compel Attorney to Turn over Client files along with the Order for your signature, and Certificate of Service to your court clerk to be docket. Ref. [Bradley L. Berg vs. State Of Oregon, Case #'s 00-10-38046, 00-12-39515, 00-12-39676].

When I had not received a response to my filing as of the first week of April, I sent a letter to your clerk to inquire on the status of the Motion. I also included another copy of the to help clarify my inquiry. I never received a reply.

Not being discouraged by this lack of response, coupled with my ignorance of the legal process and the timelines therein, I mailed two more Motions.

On April 12 of 2002, I sent to your court a Motion for Requesting Amended Judgement and Motion for Appointment of Counsel and Production of transcript at the States Expense, along with my Affidavit. Ref. [Bradley L. Berg vs. State of Oregon Case #'s 00-07-35902, 00-12-39676, 00-12-39515, 00-10-38046]. As with the other mailings, there has not been a reply from your court.

I am hopeful that you will be able to help me resolve these issues so that I may get my motions heard. I would appreciate any input you might have as well so I might avoid such delays in the future.

Sincerely,

Mr. Bradley L. Berg  
# 11128685  
Snake River Correctional Institution  
777 Stanton Blvd.  
Ontario, Oregon 97914

January 19, 2005

Gresham Police Dept.  
Attn: Property Room  
1333 N.W. Eastman Parkway  
Gresham, OR 97030

Re: State of Oregon V. Bradley Berg  
00-07-35902

Dear Property Room Ofc.

I am writing to repond to you Jan. 13th letter. I am concerned over the disposition of my property. I agree that some property which was not mine was returned to thier rightful owners from my residence on July 20th, 2000. However, as part of the Plea agreement reached in this case, the remaining property was to be returned to me. This decision was reached because this was my own property taken from my home, and not associated with any criminal acts, or charges. Not to mention that the items seized were not covered on the GPD search warrant.

Under ORS 192.410 - Oregon public records law, you are obligated to disclose the information I had requested in my previous letter. Secondly, under ORS 142.010 -Official Custody- Oregon law requires that Peace officers **hold** property subject to the order of the magistrate or court. It would appear that you have violated this statute by not returning this property as appearantly ordered by the judge.

Could you give me the names of the Property Room manager, his/her supervisor, and the Property manager who presided at the time of my case, if it's not the same person, for litigation purposes. Thank you.

Bradley L. Berg #65209-065  
3901 Klien Blvd.  
Lompoc, CA 93436



OREGON PUBLIC RECORDS LAW REQUEST

January 20, 2005

Gresham Police Dept.  
ATTN: Property Room  
1333 Eastman Parkway  
Gresham, OR 97030

Dear Sir/Madam,

This is a request under the Oregon Revised Statute ("ORS") 192.410 et seq pertaining to "public records law" regarding the disclosure of State Government and Agencies information.

I am hereby respectfully requesting a copy of the following information:

Re: Case(s) 00-07-35902; 00-12-39576; 00-12-39515 - oregon v. Berg  
Pursuant to ORS §142.060, "Proceeds of Sale To Owner", and  
ORS 98.245 et seq., "Claimed/Unclaimed Property Disposition"; I request

the following:

- I) A list of property that was not identified as "Stolen" property.
- II) The Date(s) on which the remaining property was sold.
- III) What were the proceeds from the sale(s).

The ORS 192.410 et seq provides for the release of certain records and information; and I hereby request to be provided with all nonexempt portions, as applicable. I also reserve my right to Appeal the withholding and or denial of access of said records, files, and information pursuant to ORS 192.410 et seq.

Should you have any questions regarding this request, please write me at the address below.

As provided by Oregon Public Records Law, I will expect to receive a reply and or the information requested within ten(10) working days, or as set forth within ORS 193.410 et seq.

Respectfully requested,

  
Bradley Berg  
3901 Klein Blvd., #65209-065  
Lompoc, CA 93436-2706

OREGON PUBLIC RECORDS LAW REQUEST

January 20, 2005

District Attorneys Office  
ATTN: Chris Mascal  
1021 SW Fourth Ave. Suite #600  
Portland, OR 97204

Dear Sir/Madam,

This is a request under the Oregon Revised Statute ("ORS") 192.410 et seq pertaining to "public records law" regarding the disclosure of State Government and Agencies information.

I am hereby respectfully requesting a copy of the following information:

Re: Case(s) 00-07-35902; 00-12-39676; 00-12-39515 - Oregon v. Berg  
Pursuant to ORS §142.060, "Proceeds Of Sale To Owner", and  
ORS §89.245 et seq., "Claimed/Unclaimed Property Disposition"; I  
respectfully request the following:

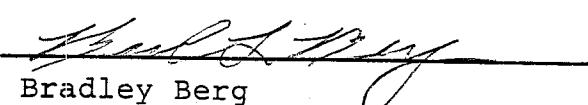
- I) A list of property that was not identified as "Stolen" property.
- II) The date(s) on which the remaining property was sold.
- III) What were the proceeds from said sale(s).

The ORS 192.410 et seq provides for the release of certain records and information; and I hereby request to be provided with all nonexempt portions, as applicable. I also reserve my right to Appeal the withholding and or denial of access of said records, files, and information pursuant to ORS 192.410 et seq.

Should you have any questions regarding this request, please write me at the address below.

As provided by Oregon Public Records Law, I will expect to receive a reply and or the information requested within ten(10) working days, or as set forth within ORS 193.410 et seq.

Respectfully requested,

  
Bradley Berg  
3901 Klein Blvd., #65209-065  
Lompoc, CA 93436-2706

OREGON PUBLIC RECORDS LAW REQUEST

January 20, 2005

Oregon Circuit Court - Multnomah County  
1021 SW Fourth Ave.  
Portland, OR 97204-1123

Dear Sir/Madam,

This is a request under the Oregon Revised Statute ("ORS") 192.410 et seq pertaining to "public records law" regarding the disclosure of State Government and Agencies information.

I am hereby respectfully requesting a copy of the following information:

Re: Case(s) 00-07-35902; 00-12-39676; 00-12-39515 - Oregon v. Berg  
Pursuant to ORS §142.060, "Proceeds Of Sale To Owner", and  
ORS §89.245 et seq., "Claimed/Unclaimed Property Disposition"; I  
respectfully request the following:

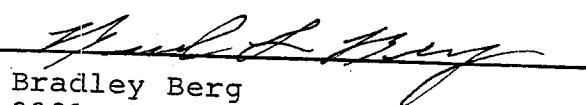
- I) A list of property that was not identified as "Stolen" property.
- II) The date(s) on which the remaining property was sold.
- III) What were the proceeds from said sale(s).

The ORS 192.410 et seq provides for the release of certain records and information; and I hereby request to be provided with all nonexempt portions, as applicable. I also reserve my right to Appeal the withholding and or denial of access of said records, files, and information pursuant to ORS 192.410 et seq.

Should you have any questions regarding this request, please write me at the address below.

As provided by Oregon Public Records Law, I will expect to receive a reply and or the information requested within ten(10) working days, or as set forth within ORS 193.410 et seq.

Respectfully requested,

  
Bradley Berg  
3901 Klein Blvd., #65209-065  
Lompoc, CA 93436-2706

OREGON PUBLIC RECORDS LAW REQUEST

January 20, 2005

Oregon Circuit Court - Multnomah County  
1021 SW Fourth Ave.  
Portland, OR 97204-1123

Dear Sir/Madam,

This is a request under the Oregon Revised Statute ("ORS") 192.410 et seq pertaining to "public records law" regarding the disclosure of State Government and Agencies information.

I am hereby respectfully requesting a copy of the following information:

Re: Case(s) 00-07-35902; 00-12-39676; 00-12-39515 - Oregon v. Berg  
Pursuant to ORS §142.060, "Proceeds Of Sale To Owner", and  
ORS §89.245 et seq., "Claimed/Unclaimed Property Disposition"; I  
respectfully request the following:

- I) A list of property that was not identified as "Stolen" property.
- II) The date(s) on which the remaining property was sold.
- III) What were the proceeds from said sale(s).

The ORS 192.410 et seq provides for the release of certain records and information; and I hereby request to be provided with all nonexempt portions, as applicable. I also reserve my right to Appeal the withholding and or denial of access of said records, files, and information pursuant to ORS 192.410 et seq.

Should you have any questions regarding this request, please write me at the address below.

As provided by Oregon Public Records Law, I will expect to receive a reply and or the information requested within ten(10) working days, or as set forth within ORS 193.410 et seq.

Respectfully requested,

  
Bradley Berg  
3901 Klein Blvd., #65209-065  
Lompoc, CA 93436-2706

**PLAINTIFF'S APPENDIX "B"**

**COPY**

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON }  
 }  
 }S.. NO.  
 County of Multnomah }  
 } SEARCH WARRANT

IN THE NAME OF THE STATE OF OREGON

TO ANY POLICE OFFICER IN THE STATE OF OREGON, GREETINGS:

You are hereby commanded to search the vehicle/residence/location described as follows:

The Residence: located at 1422 NE 160th Avenue Portland Oregon, County of Multnomah, which is: an apartment in a multi family building located on the corner of 160<sup>th</sup> Avenue and NE Halsey Street. The apartment complex is located on the southeast corner of the intersection of 160<sup>th</sup> Avenue and NE Halsey Street. The apartment (1422 NE 160th) is in the southern of two buildings on that lot. The buildings are multi level, light tan in color with white trim. The garages are located on the north side of the building on the first level and have a greenish blue roll up door. The apartment, 1422 NE 160th Avenue is located on the second level and has another apartment above it. The front door is on the West End of the building and is a light greenish blue in color. The numbers, 1422 in gold are affixed to the building to the left (north) of the front door. There are wooden stairs leading from the garage door area to a wood deck at the front door. There is a walk way that leads from the side walk on the south west corner of the lot to the wood deck at the door of 1422 NE 160th. The garage for 1422 NE 160th Portland Oregon is located directly below the apartment and is the first roll up door on the north side of the building on the West End.

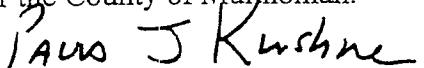
for: : Cannon C-2500 Fax/Printer/Copier/Scanner, Auto Parts for a 1988 Chevrolet Camaro, Vehicle Identification Plates, Vehicle License Plates, written records whether in electronic form or any other form, images whether in electronic form or any other form pertaining to the crimes of Forgery (ORS165.013), Possession of a Forged Instrument (ORS165.022), Burglary II (ORS164.215), Unauthorized Use of a Vehicle (ORS164.135) and Theft I (ORS164.055) and to seize all computer and computer related equipment including software, computer storage devices, cables, and manuals to facilitate the search.

and to seize, test and analyze the aforesaid objects of the search for the next 90 days. You are further directed to make return of this warrant to me within five (5) days after execution thereof.

Issued over my hand on 3/18/2006 at 1:11 A.M/P.M

/s/

  
Judge of the ~~District~~ Court of the State of Oregon  
for the County of Multnomah.

  
Ian J. Kusne

**COPY**

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON }  
 }  
 }S.. NO.  
 County of Multnomah } SEARCH WARRANT

IN THE NAME OF THE STATE OF OREGON

**TO ANY POLICE OFFICER IN THE STATE OF OREGON, GREETINGS:**

You are hereby commanded to search the vehicle/residence/location described as follows:

The storage locker located at 2636 NE Hogan Road # 292 Gresham Oregon, County of Multnoamh which is: located in a multiple unit storage facility with the company name of "Shurgard Storage Center". Shurgard Storage Center, 2636 NE Hogan Road Gresham Oregon, County of Multnomah is located south of SE Stark Street, on the East Side of NE Hogan Road. It is a multiple building facility with individual storage units on the inside and outside of the buildings. The buildings are individually numbered and are light tan/beige in color with brick red roll up doors on the exterior units. The unit 2536 NE Hogan Road #292 is located in the "2D" building on the south end of the complex. The unit #292 is the eight exterior unit east of a loading dock on the northwest corner of the building. The unit is identified by a black sign with the white numbers, "292"; above the roll up door which is secured with a built-in internal barrel key lock and an external pad lock.

F-5-

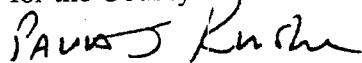
for: : Cannon C-2500 Fax/Printer/Copier/Scanner, Auto Parts for a 1988 Chevrolet Camaro, Vehicle Identification Plates, Vehicle License Plates, written records whether in electronic form or any other form, images whether in electronic form or any other form pertaining to the crimes of Forgery (ORS165.013), Possession of a Forged Instrument (ORS165.022), Burglary II (ORS164.215), Unauthorized Use of a Vehicle (ORS164.135) and Theft I (ORS164.055) and to seize all computer and computer related equipment including software, computer storage devices, cables, and manuals to facilitate the search.

and to seize, test and analyze the aforesaid objects of the search for the next 90 days. You are further directed to make return of this warrant to me within five (5) days after execution thereof.

Issued over my hand on 26 Nov at 1:16 A.M/P.M

/s/ 

Judge of the District Court of the State of Oregon  
for the County of Multnomah.



**COPY**

1

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON }  
County of Multnomah }S.. NO.  
 } SEARCH WARRANT

IN THE NAME OF THE STATE OF OREGON

TO ANY POLICE OFFICER IN THE STATE OF OREGON, GREETINGS:

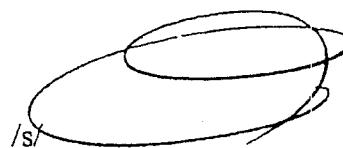
You are hereby commanded to search the vehicle/residence/location described as follows:

The storage locker located at 2636 NE Hogan Road # 465 Gresham Oregon, County of Multnoamh which is: located in a multiple unit storage facility with the company name of "Shurgard Storage Center". Shurgard Storage Center, 2636 NE Hogan Road Gresham Oregon, County of Multnomah is located south of SE Stark Street, on the East Side of NE Hogan Road. It is a multiple building facility with individual storage units on the inside and outside of the buildings. The buildings are individually numbered and are light tan/beige in color with brick red roll up doors on the exterior units. The unit 2636 NE Hogan Road #465 is located in building six which is identified by the number six on the southwest corner painted in black. Unit number 465 is located on the south end of the building and is identified by the black sign with white numbers, "465" above the roll up door which is secured with a built-in internal barrel key lock.

for: : Cannon C-2500 Fax/Printer/Copier/Scanner, Auto Parts for a 1988 Chevrolet Camaro, Vehicle Identification Plates, Vehicle License Plates, written records whether in electronic form or any other form, images whether in electronic form or any other form pertaining to the crimes of Forgery (ORS165.013), Possession of a Forged Instrument (ORS165.022), Burglary II (ORS164.215), Unauthorized Use of a Vehicle (ORS164.135) and Theft I (ORS164.055) and to seize all computer and computer related equipment including software, computer storage devices, cables, and manuals to facilitate the search.

and to seize, test and analyze the aforesaid objects of the search for the next 90 days. You are further directed to make return of this warrant to me within five (5) days after execution thereof.

Issued over my hand on July 18, 2005 at 1:16 AM/P.M.

  
/s/

Judge of the District Court of the State of Oregon  
for the ~~County~~ of Multnomah.



**PLAINTIFF'S APPENDIX "C"**

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

---

STATE OF OREGON,	)	
Plaintiff,	)	Case No. 00-07-35902
-vs-	)	DA No. 1238840
	)	[Crime Report GP 00-3531
BRADLEY L. BERG,	)	<b>AFFIDAVIT IN SUPPORT OF MOTION FOR</b>
Defendant.	)	<b>RETURN OF PRIVATE PROPERTY, OR FOR</b>
	x	<b>ALL PROCEEDS FROM THE SALE THEREOF</b>
STATE OF OREGON	)	
	)	SS.
COUNTY OF MULTNOMAH	)	

---

I, Bradley Berg, defendant in the above captioned case, do hereby affirm the truth of the following, under the penalties and pursuant to ORS §162.055(4), to wit:

1. I am Bradley Berg, the defendant in the above-captioned case; and submit the herein Affidavit in support of my motion for the return of my personal property, or for all proceeds from the sale thereof.
2. That the herein list of my personal property was to be returned to me pursuant to an agreement between myself, defense counsel [Kliewer], and the D.A. [B. Allen] at the sentencing hearing on August 8, 2001.
3. That the herein listed personal property is indeed my own property which was in no way connected with the charges to which I pled guilty.
4. That pursuant to ORS § 142.010 et seq, including, but not limited to ORS § 142.060, I have six(6)--years to claim my property, or the proceeds from the sale of same; [and] I am hereby exercising all my rights and claims pursuant to the applicable ORS(s).

5. That all the herein listed personal property was seized by the Gresham Police Department [see Crime report GP 00-3531] from my residence at 1422 NE 160th Ave., Portland, Oregon; and two(2) storage lockers located at 2636 NE Hogan Road, #292 and #465, Gresham Oregon.

6. That none of the herein listed personal property was listed within the 'search warrants' [See Exhibit of Warrants in Motion]; and thus was clearly outside the scope of said warrants; and none of said personal property was "stolen property".

7. That the following personal property was located in locker number 465; and includes the Gresham Police Department's own "Property Tag" ("PT") numbers, to wit:

PT #1 = Box with Ammo/Magazines/Misc.	(\$150)
PT #2 = Glass Tubes in Brown Box	(\$ 50)
PT #4 = Computer Grey-No Cords	(\$1100)
PT #10 = Hand Truck - Grey-	(\$ 80)
PT #11 = Chainsaw Polan- Green 18in#952611105494	(\$200)
PT #12 = Industrial Drill Black & Decker#1336177	(\$129)
PT #17 = Icon 17" Monitor#CC2821C03888	(\$225)
PT #19 = Sony BAW Montor #SSM-620AM	(\$ 75)
PT #20 = H P Laserjet 5 Printer #USKC285241	(\$2200)
PT #21 = Milwaukee Rightangle Drill w/Drill Bits	(\$225)
PT #22 = MAC 3/8" Heavy Duty Reversible AirDrillw/case	(\$210)
PT #24 = Video Minotor"CYCtem V" #000284	(\$100)

all the foregoing descriptions were those provided by the Gresham Police Department on their property tags.

8. That the following personal property was located in locker number 292:

PT #25 = Milwaukee Right Angle Drill in case	(\$225)
PT #26 = Milwaukee Saw-Zaw in Meatal Case	(\$175)
PT #55 = Glassware	(\$120)
PT #56 = Pry Bar	(\$ 45)
PT #57 = Ditch Witch RD400	(\$350)
PT #59 = Glassware	(\$ 50)
PT #62 = Slug Buster Knockout Set Punch Set	(\$175)
PT #65 = Ogden Audio Equipment-Amplifier-BLK-	(\$100)
PT #66 = Ditch Witch Depth Finder 3M Yellow	(\$200)
PT #67 = Compaq Monitor #5ZZAA11AB156	(\$ 80)
PT #71 = Safe Sentry	(\$130)
Personal Documents e.g. Birth Cert., legaldoc	(\$200)

PT #72 = Fax Machine Sharp #67120548	(\$350)
PT #74 = Milwaukee Heavy Duty Electrical Tool	(\$175)
PT #75 = Radio Detector Transmitter RD400	(\$200)
PT #76 = Red Bucket of Tools	(\$300)
PT #77 = Blue Bucket of Tools	(\$300)
PT #78 = Remanufactured Toner Cartridge	(\$ 50)
PT #81 = Sharp Amplifier Hi-Fi	(\$100)
PT #82 = Gas Powered Lawn Edger "New"	(\$200)
PT #84 = Computer Hard Drive	(\$ 50)
PT #86 = Bucket of Tools White	(\$100)
PT #87 = Milwaukee Chop Saw 12" Miter #17558A	(\$280)
PT #89 = 3 Boxes Hot Wheels Cars Collectors Ed.72 each	(\$150)
PT #92 = X-Mas Ornaments 893603 12pcs.	(\$ 8)
PT #93 = 1 Box Holiday Mugs (Coffee) #871308	(\$ 20)
PT #108 = 2 Boxes Glassware	(\$850)

9. That the following personal property was located at my residence 1422 NE 160th Avenue, Portland, Oregon:

PT # 3 = Night Owl Optics Night Vision-Made in Russia	(\$325)
PT # 4 = 18 Video Tapes - From Master Bedroom	(\$280)
PT # 6 = 163 Floppy Disks - From Closet	(\$130)
PT # 7 = Misc. Alarm Components (Sentrol)	(\$145)
PT # 8 = Two Binders Veh.Registrations, forms, DlrGuide	(\$110)
PT #12 = Epson Style Color 740 Printer #A6R1785706	(\$179)
PT #15 = Zip Drive Portable-#PRDH38C3C8	(\$130)
PT #17 = Compaq Presario incl.Bergs Data Records	(\$5400)
PT #18 = HP Laser Jet 4000 w/Cables	(\$2300)
PT #19 = Fellows Powershred P575 w/Basket	(\$129)
PT #20 = Tri Green Computer(Mothers PC) #V200014678	(\$220)
PT #21 = View Sonic "Arrival" A7 Monitor	(\$435)
PT #23 = 4 MS 2000 FLoppy Disk w/item #24	(\$ 5)
PT #24 = ONKN Tipet Computer	(\$440)
PT #25 = 9" Document Laminator Home/Office #Kem2841	(\$130)
PT #26 = 3 MIsc. CComputer CD's	(\$ 12)
PT #27 = HP Scanner 4200C "Scan Jet"	(\$179)
PT #28 = Cannon BJC Printer w/cables BJC2110	(\$130)
PT #32 = Computer Disks Various Business Software	(\$2500)
PT #39 = C0mputer Disks Business Software	(\$450)
PT #45 = Cannon B640 Printer/Fax #UWZ147107	(\$105)
PT #46 = Power Supply Dalco	(\$ 20)
PT #49 = Misc. Documents and Photo's -Personal-	(\$500)
PT #51 = Misc.Computer CD'S 1) Diskette	(\$ 5)
PT #52 = 26 Misc. Computer CD's	(\$300)
PT #53 = 21 Floppy Disks 6-Zip Disks Personal Photodata	(\$900)
PT #54 = 4 Computer CD's	(\$ 10)
PT #55 = Misc. Documents and Checks	(\$100)
PT #56 = 4 Computer CD's 1) Zip Disk	(\$ 40)
PT #59 = Cellular Phones 1)AudioVox, 2) Samsung #91324	(\$ 30)
PT #62 = Panasonic Digital 5010 Video Camera#97Z00619	(\$ 50)
PT #63 = Fluke RMS Multimeter	(\$120)
PT #65 = Minolta 5xi 35mm Camera w/Rolls of film	(\$375)

PT #70 = Personal Keys	(\$ 25)
PT #72 = Air Compressor Colman	(\$379)
PT #73 = Air Tool- Air Drill#BLB5020351 (Berg's ODL#)	(\$ 70)
PT #74 = Air Wrench R/R # BLB 351	(\$175)
PT #75 = Air Wrench R/R # BLB 351	(\$175)
PT #76 = Air Drill Central Pnem.	(\$ 70)
PT #77 = Air Nailer Senco MI #90619028	(\$425)
PT #78 = Air Nailer #98816906 Senco BLB 351	(\$225)
PT #79 = Skill Saw Grn. #BLB 351 #1653878	(\$165)
PT #84 = POWCON 30SS Welder #D127586	(\$320)
PT #87 = Box 12 Harley Davidson X-mas Mugs	(\$ 30)
PT #91 = 2 Batteries, 1 Charger Dewalt 12vlt.	(\$100)
PT #94 = 2 Welding Books Thermal Dynamics	(\$ 17)
PT #96 = Scanner Book Radio Shack	(\$ 18)
PT #101 = Map of Eugene Oregon	(\$ 2)
PT #103 = Ammunition 4 boxes 2)9mm 2)223mm	(\$ 60)
PT #105 = Slim Jim Set	(\$ 50)
PT #106 = Dewalt DW849 Buffer #45705	(\$ 80)
PT #109 = Bolt Cutters	(\$100)

10. The following items were seized from defendants residence but were not given Tag's pursuant to Gresham Police Department policy:

1 Craftsman Rollaway Tool Box incl. Tools	(\$7500)
2 Small Craftsman Toll Boxes w/reciepts	(\$450)
15 Car Titles and Registrations - Oregon-	(\$350)
Tool Carry Tote with Roofing tools	(\$125)
Misc. Family Photo's - non replaceable	(\$300)
1 Snap-on Auto analyzer	(\$1100)
1 Bin Containing Auto Repair Manuals	(\$800)
3M Video Projection System	(\$2200)
4 2-way Motorola Radios	(\$460)
5 Rolls Undeveloped Film - Vacation Photo's	(\$ 45)

11. That I hereby swear and affirm that all the items and property listed herein, is indeed and fact my own personal property and that the amounts listed as values of said property are conservative low-end 'fair market value' estimates.

12. That in violation of ORS §98.245, the Gresham Police Department ("Police") [i.e. the "removing authority"] did not provide me with proper "NOTICE" regarding my "unclaimed property".

13. That based upon information and belief, the Police further failed to "publish a notice of intent to dispose of the unclaimed

property." as required in ORS §98.245(2)(b), [See EXHIBIT A].

14. That based upon information and belief, the Police further failed to post "in three public places in the jurisdiction of the removing authority" a notice of intent to dispose of my "unclaimed property", thereby violating ORS §98.245(2)(b), [See EXHIBIT A].

15. That based upon information and belief, the Police further violated ORS §98.245(2)(b), by failing to publish a "notice of intent to dispose" my allegedly unclaimed personal property "in a newspaper of general circulation in the jurisdiction of the removing authority.", [See EXHIBIT A].

16. That because the Gresham Police failed to comply with the Oregon State legal requirements regarding my personal property; my instant claim is valid, and not subject to any 30 day 'statute of limitations' pursuant to ORS §98.245 et seq.

17. That the herein instant motion, claim, and affidavit represent my "timely claim" for the return of my personal property [as 'unclaimed property'] under ORS §98.245(2)(d), or as a return of my "stolen property" under ORS §142.010 et seq.

18. That the within Affidavit sufficiently establishes that I am "the lawful owner" of the property listed herein.

19. That I have an instant valid claim to the rightful possession of my personal property that is in the possession of the Gresham Police Department, as listed herein.

20. That, if my personal property, as listed herein, has been sold, lost, misplaced, stolen, or otherwise disposed of by the Police; I must be financially compensated for said property under Oregon State Law(s); and or the Fifth and Fourteenth Amendments to the U.S. Constitution.

21. That my personal property, as listed herein, has a low-end fair market value of approximately \$41,352.00 dollars, based upon current 2005 prices.

22. That, as a matter of law, the 'personal Property' that was seized [as listed in detail herein] "were not in fact subject to seizure under ORS §133.525 to §133.703;".

Dated: Lompoc, California  
March 22, 2005

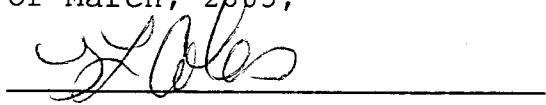
Respectfully submitted,



---

Bradley L. Berg - Defendant pro se  
3901 Klein Blvd., #65209-065  
Lompoc, CA 93436-2706

Signed Before Me This 23<sup>rd</sup> Day  
Of March, 2005,



OFFICIAL

T. Coles, Case Manager  
Authorized by the Act of  
July 7, 1955, as Amended, to  
Administer Oaths(18 USC 4004)

**PLAINTIFF'S APPENDIX "D"**

KNOW ALL MEN BY THESE PRESENTS, That I, BRADLEY LAWRENCE BERG have

made, constituted and appointed, and by these presents do hereby make, constitute and appoint: CATHRYN WOODSON @ 2105 SE TOLMAN ST PORTLAND, OR 97202 my true and lawful attorney for me and in my name, place and stead, and for my use and benefit to demand, sue for, recover, collect and receive all such sums of money, debts, rents, dues, accounts, legacies, bequests, interests, dividends, annuities and demands whatsoever, as are now or shall hereafter become due, owing, payable or belonging to me, to have, use and take all lawful ways and means in my name or otherwise for the recovery thereof, and to compromise, settle and adjust and to execute and deliver acquittances or other sufficient discharges for any of the same; to bargain, contract for, purchase, receive and take lands, tenements, hereditaments, and accept the seizing and possession thereof and all deeds and other assurances in the law therefor and to lease, let demise, bargain, sell, remise, release, convey, mortgage and hypothecate lands, tenements and hereditaments, including my right of homestead in any of the same for such price, upon such terms and conditions and with such covenants as my said attorney shall think fit; to sell, transfer and deliver all or any shares of stock owned by me in any corporation for any price and receive payment therefor and to vote any such stock as my proxy; to bargain for, buy, sell, mortgage, hypothecate and in any and every way and manner deal in and with goods, wares and merchandise, chooses in action, and other property in possession or in action, and to make, do and transact all and every kind of indentures, agreements, trust agreements, mortgages, pledges, hypothecation's, bills of lading, bills, bonds, notes, evidences of debt, receipts, releases and satisfactions of mortgages, judgments and other debts payable to me and other instruments in writing of whatever kind and nature which my said attorney in his/her absolute discretion shall deem to be for my best interests, to have access to any safety deposit box which has been rented in my name, or in the name of myself and any other person or persons; to sell, discount, endorse, deliver and/or deposit all checks, drafts, notes and negotiable instruments payable to my order, to withdraw any moneys deposited in my name with any bank, by check or otherwise, and generally to do any business with any bank or banker on my behalf; to complete, sign, and

GIVING AND GRANTING unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation hereby ratifying and confirming all that my said attorney or my said attorney's substitute or substitutes shall lawfully do or cause to be done by virtue of these presents.

This power shall take effect: (delete inapplicable phrase)

(a) on the date next written below;

(b) on the date I may be adjudged incompetent by a court of proper jurisdiction.

My said attorney and all persons unto whom these presents shall come may assume that this power of attorney has not been revoked until given actual notice either of such revocation or of my death.

In construing this instrument and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, I have signed on MARCH 21

2002

Bradley Lawrence Berg  
Affiant's signature  
STATE OF OREGON, County of MALHEUR ss.

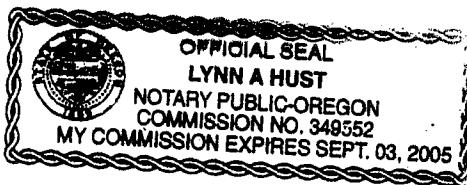
This instrument was acknowledged before me on

March 21, 2002

Lynn A Hust  
Notary Public for Oregon

My commission expires: Sept 3, 2005

NOTARY BLOCK



POWER OF ATTORNEY

ss.

To  
page \_\_\_\_\_

reception

AFTER RECORDING RETURN TO:

Name, Address, Zip

(DON'T USE THIS SPACE:  
RESERVED FOR RECORDING

LABEL IN COUNTIES WHERE  
USED.)

STATE OF OREGON

County of \_\_\_\_\_

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 1999, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book / reel / volume No. \_\_\_\_\_, on \_\_\_\_\_ or as fee / file / instrument / microfilm /

No. \_\_\_\_\_, Record of \_\_\_\_\_ of said County.

Witness my hand and seal of County  
affixed.

Name \_\_\_\_\_ Title \_\_\_\_\_

By \_\_\_\_\_ Deputy

**PLAINTIFF'S APPENDIX "E"**



**MICHAEL D. SCHRUNK**, District Attorney for Multnomah County  
600 County Courthouse • Portland, Oregon 97204 • 503 988-3162 • FAX 503 988-3643  
www.co.multnomah.or.us/da/

September 10, 2003

Bradley Berg # 65209-065  
United States Penitentiary - Lompoc  
3901 Klein Blvd.  
Lompoc, CA 93436

Re: State v. Bradley Berg  
00-07-35902

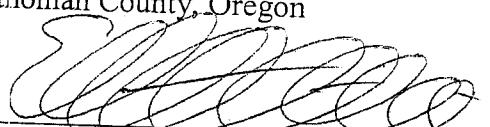
Dear Mr. Berg:

I am responding to your letter and motion for return of property sent to Multnomah County Circuit Court. The District Attorney's Office typically addresses issues relating to return of property.

I contacted the property room at the Gresham Police Department regarding the property held in the above captioned case. They have informed that the property has already been released. Therefore, there is no additional action that can be taken in this matter. Thank you.

Very truly yours,

**MICHAEL D. SCHRUNK**  
District Attorney  
Multnomah County, Oregon

By:   
Ethan D. Knight  
Deputy District Attorney

**PLAINTIFF'S APPENDIX "F"**

Bradley L. Berg #65209-065  
U.S. Penitentiary  
3901 Klien Blvd  
Lompoc, CA 93436

Jan. 2, 2004

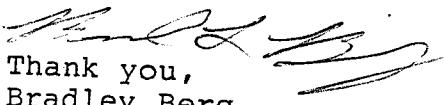
Gresham Police Department  
ATTN: Property Dept.  
1333 Eastman PKWY  
Gresham, OR 97030

Dear Sir or Madam,

I am responding to a letter I received from Multnomah County District Attorney Michael D. Schrunk regarding the disposition of the property for Case# 00-07-35902, 00-12-39676, 00-12-39515, 00-10-38046, (Re: State v. Bradley Berg). According to Mr. Schrunk he contacted you regarding this property and was told it had been released. (see attached letter)

What I need to know the following; 1) A detailed list of what was released? 2) Whom it was released to and when? 3) Where is the property now? 4) Under what authority was the property released.

Your assistance in this matter is appreciated.

  
Thank you,  
Bradley Berg

**PLAINTIFF'S APPENDIX "G"**



**CITY OF GRESHAM**

Police Department  
1333 N.W. Eastman Parkway  
Gresham, OR 97030-3813  
(503) 618-2318

January 13, 2005

Bradley Berg  
US Penitentiary  
3901 Klein Blvd.  
Lompoc, CA 93436

Dear Mr. Berg,

The Gresham Police Department no longer has any property relating to your cases. All property was released to the rightful owner and/or persons providing proper identification and rightful release forms under the authority of the courts. We will not be providing information regarding who and when the property was released, nor do we continue to track the property once it is released.

Sincerely,

Gresham Police Department  
Property Room

**PLAINTIFF'S APPENDIX "H"**

OREGON PUBLIC RECORDS LAW REQUEST

January 20, 2005

Gresham Police Dept.  
Attn: Property Room  
1333 Eastman Parkway  
Gresham, OR 97030-3813

Dear Sir/Madam,

This is a request under the Oregon Revised Statute ("ORS") 192.410 et seq pertaining to "public records law" regarding the disclosure of State Government and Agencies information.

I am hereby respectfully requesting a copy of the following information:

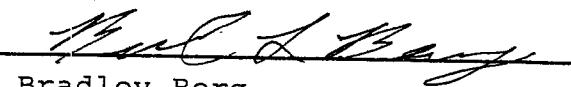
Re: Case(s) 00-07-35902; 00-12-39676; 00-12-39515 - Oregon v. Berg  
Pursuant to ORS §142.010, a copy of the Court's Order [Judge FRANTZ, or Magistrate], as provided in ORS §142.020, for "Official Custody" of the Plaintiff and herein requester **Bradley Berg's** property; granting the Gresham Police Department said "custody".

The ORS 192.410 et seq provides for the release of certain records and information; and I hereby request to be provided with all nonexempt portions, as applicable. I also reserve my right to Appeal the withholding and or denial of access of said records, files, and information pursuant to ORS 192.410 et seq.

Should you have any questions regarding this request, please write me at the address below.

As provided by Oregon Public Records Law, I will expect to receive a reply and or the information requested within ten(10) working days, or as set forth within ORS 193.410 et seq.

Respectfully requested,

  
Bradley Berg  
3901 Klein Blvd., #65209-065  
Lompoc, CA 93436-2706

OREGON PUBLIC RECORDS LAW REQUEST

January 20, 2005

Oregon Circuit Court - Multnomah County  
1021 SW Fourth Ave.  
Portland, OR 97204-1123

Dear Sir/Madam,

This is a request under the Oregon Revised Statute ("ORS") 192.410 et seq pertaining to "public records law" regarding the disclosure of State Government and Agencies information.

I am hereby respectfully requesting a copy of the following information:

Re: Case(s) 00-07-35902; 00-12-39676; 00-12-39515 - Oregon v. Berg  
Pursuant to ORS §142.010, a copy of the Court's Order [Judge FRANTZ, or Magistrate], as provided in ORS §142.020, for "Official Custody" of the Plaintiff and herein requester Bradley Berg's property; granting the Gresham Police Department said "custody".

The ORS 192.410 et seq provides for the release of certain records and information; and I hereby request to be provided with all nonexempt portions, as applicable. I also reserve my right to Appeal the withholding and or denial of access of said records, files, and information pursuant to ORS 192.410 et seq.

Should you have any questions regarding this request, please write me at the address below.

As provided by Oregon Public Records Law, I will expect to receive a reply and or the information requested within ten(10) working days, or as set forth within ORS 193.410 et seq.

Respectfully requested,

  
Bradley Berg  
3901 Klein Blvd., #65209-065  
Lompoc, CA 93436-2706

OREGON PUBLIC RECORDS LAW REQUEST

January 20, 2005

District Attorneys Office - Multnomah County  
ATTN: Chris Mascal-DA  
1021 SW Fourth Ave. Suite #600  
Portland, OR 97204

Dear Sir/Madam,

This is a request under the Oregon Revised Statute ("ORS") 192.410 et seq pertaining to "public records law" regarding the disclosure of State Government and Agencies information.

I am hereby respectfully requesting a copy of the following information:

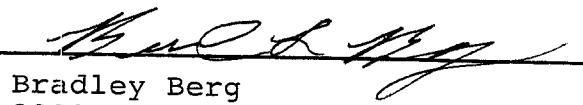
Re: Case(s) 00-07-35902; 00-12-39676; 00-12-39515 - Oregon v. Berg  
Pursuant to ORS §142.010, a copy of the Court's Order [Judge FRANTZ, or Magistrate], as provided in ORS §142.020, for "Official Custody" of the Plaintiff and herein requester Bradley Berg's property; granting the Gresham Police Department said "custody".

The ORS 192.410 et seq provides for the release of certain records and information; and I hereby request to be provided with all nonexempt portions, as applicable. I also reserve my right to Appeal the withholding and or denial of access of said records, files, and information pursuant to ORS 192.410 et seq.

Should you have any questions regarding this request, please write me at the address below.

As provided by Oregon Public Records Law, I will expect to receive a reply and or the information requested within ten(10) working days, or as set forth within ORS 193.410 et seq.

Respectfully requested,

  
Bradley Berg  
3901 Klein Blvd., #65209-065  
Lompoc, CA 93436-2706

OREGON PUBLIC RECORDS LAW REQUEST

March 8, 2005

Attorney General  
Hardy Meyers  
100 Justice Bldg.  
1162 Court St. N.E.  
Salem, OR 97310

Dear Sir/Madam,

This is a request under the Oregon Revised Statute ("ORS") 192.410 et seq pertaining to "public records law" regarding the disclosure of State Government and Agencies information.

I am hereby respectfully requesting a copy of the following information:

Re: Case(s) 00-07-35902; 00-12-39676; 00-12-39515 - oregon v. Berg  
Pursuant to ORS §142.060, "Proceeds of Sale To Owner", and  
ORS 98.245 et seq., "Claimed/Unclaimed Property Disposition"; I request  
the following:

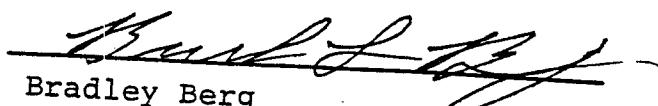
- I) A list of property that was not identified as "Stolen" property.
- II) The Date(s) on which the remaining property was sold.
- III) What were the proceeds from the sale(s).

The ORS 192.410 et seq provides for the release of certain records and information; and I hereby request to be provided with all nonexempt portions, as applicable. I also reserve my right to Appeal the withholding and or denial of access of said records, files, and information pursuant to ORS 192.410 et seq.

Should you have any questions regarding this request, please write me at the address below.

As provided by Oregon Public Records Law, I will expect to receive a reply and or the information requested within ten(10) working days, or as set forth within ORS 193.410 et seq.

Respectfully requested,

  
Bradley Berg  
3901 Klein Blvd., #65209-065  
Lompoc, CA 93436-2706

**PLAINTIFF'S APPENDIX "I"**



# City of Gresham

## CITY ATTORNEY'S OFFICE

1333 N.W. Eastman Parkway  
 Gresham, Oregon 97030-3813  
 (503) 618-2507  
 FAX (503) 667-3031

**SUSAN G. BISCHOFF**

City Attorney

**RICHARD D. FAUS**

Senior Asst. City Attorney

**DAVID R. RIS**

Senior Asst. City Attorney

**MILES A. WARD**

Senior Asst. City Attorney

**GARY S. DEVERELL**

Risk Manager

March 16, 2005

Bradley L. Berg, #65209-065  
 United States Penitentiary  
 3901 Klein Blvd.  
 Lompoc, CA 93436-2706

Re: Public Records Requests

Dear Mr. Berg:

This letter is in response to your January 20 public records requests for records relating to Multnomah County Circuit Court Case Nos. 0007-35902, 0012-39515, and 0012-39676. Specifically, you requested copies of the following documents. I apologize for the delay in our response. A good deal of archive research was necessary to determine the availability of any records.

- A list of property not identified as stolen property, the date on which the remaining property was sold, proceeds from the sale, and a copy of a court order for "official custody" for yourself.

Response: The city does not have any documents responsive to this request. However, part of the police reports for the three court cases you identified does contain "Property in Custody" reports that list various items that were held by the Gresham Police Department's Property/Evidence section. The property consists of property taken into custody pursuant to search warrants and evidence prepared by various police officers involved in the investigation of the crimes with which you were charged. The city charges \$5 for each report up to eight pages, plus \$1 per page thereafter. These reports are available, and the cost to obtain copies is \$196.

- The date(s) on which the remaining property was sold.

Response: The Property in Custody reports mentioned above include information about property being returned to the property owners. The reports also reflect the date on which the remaining property was destroyed.

Bradley Berg  
March 16, 2005  
Page 2

There are no records relating to the sale of any property held by the Gresham Police Department.

- Information on the proceeds from the sale.

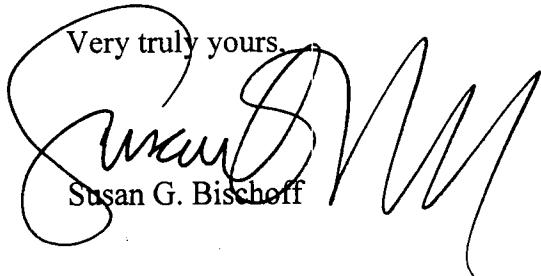
Response: The city does not have any documents responsive to this request.

- A copy of the Court's Order (Judge Frantz or Magistrate) for your "Official Custody."

Response: The city does not have any documents responsive to this request. You should contact the court and/or the Multnomah County District Attorney's Office to secure documents responsive to this request. If you were represented by counsel in these cases, he or she should also have copies of the court documents you seek.

If you wish to obtain copies of the available records noted above, please send a check in the amount of \$196, payable to the City of Gresham, directly to my attention. Advance payment is required. Upon receipt of payment, the records will then be mailed to you.

Thank you.

Very truly yours,  
  
Susan G. Bischoff

**PLAINTIFF'S APPENDIX "J"**



**CITY OF GRESHAM**

Police Department  
1333 N.W. Eastman Parkway  
Gresham, OR 97030-3813  
(503) 618-2318

December 5, 2005

Bradley L. Berg, #65209-065  
US Penitentiary  
3901 Klein Blvd.  
Lompoc, CA 93436

Dear Mr. Berg,

This letter is in response to your request for property disposition on three Gresham Police cases from 2000. Since you refer to District Attorney case numbers, I had to locate the police case numbers.

Your 3 cases 00-3531, 00-15878, and 00-16298 all deal with search warrants and recovered property. The property, in all three of these cases, was released to the rightful owners at that time. The Multnomah County District Attorney's office closed these cases in August 2001. The Gresham Police department destroyed the property in July of 2002.

The two addresses we had for you at that time were 1422 NE 160<sup>th</sup> Av, Portland, and 16601 SE Morrison St, Portland, OR.

If you have further questions regarding your property, please contact our Property Department or the Multnomah County District Attorney's Office.

Respectfully,

A handwritten signature in black ink that reads "Janet Crace".

Janet Crace  
Records Manager

# Certificate of Service

I, BRADLEY LAWRENCE BERG, hereby certify that I have served a true and correct copy of the following, by placement in the inmate mail:

Civil Rights Complaint Pursuant to 42 U.S.C. §1983

Motion Requesting Order For Marshal's To Serve Summons

Affidavit In Support Of Filing Fee

Service of process is deemed complete at the time of delivery to the prison authorities for forwarding to the Court. *Houston v. Lack* 101 L.Ed.2d. 245 (1988) confirms that by such service upon the parties to litigation and or his/her attorney of record, by placement in a sealed, postage prepaid envelope addressed to:

U.S. District Court, District of Oregon  
Attn: Clerk - Donal M. Cinnamon  
740 U.S. Courthouse  
1000 SW Third Avenue  
Portland, OR 97204-2902

(FOR SERVICE BY THE COURT)

City of Gresham Police Department,  
Carla C. Piluso - Chief of Police,  
John Doe #1 - Property Room Officer,  
Ronnie Kliewer, And  
All Other Parties Presently Unknown

and deposited in the United States Mail maintained by USP Lompoc, Lompoc, California, all requirements of service of process required by law have been fulfilled this:

15th day of December, 2005.

(Name) BRADLEY LAWRENCE BERG Pro per  
#65209-065 US Penitentiary

(Bureau of Prisons Identification Number)

United States Penitentiary  
3901 Klein Boulevard  
Lompoc, CA 93436